



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

~~TEAKWOOD LUNGMUS & CHESTNUT~~

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
07/139,576	12/29/87	WIDDER	K UIA4

TILTON, FALLON, LUNGMUS & CHESTNUT  
100 SO. WACKER DR.  
CHICAGO, IL 60606-4002

EXAMINER	
HENLEY III, R	
ART UNIT	PAPER NUMBER
125	2

DATE MAILED:

09/15/88

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.

Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☐ Notice of References Cited by Examiner, PTO-892.
- ☐ Notice re Patent Drawing, PTO-948.
- ☐ Notice of Art Cited by Applicant, PTO-1449
- ☐ Notice of informal Patent Application, Form PTO-152
- ☐ Information on How to Effect Drawing Changes, PTO-1474
- ☐ \_\_\_\_\_

Part II SUMMARY OF ACTION

- ☒ Claims 1-10 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
- ☐ Claims \_\_\_\_\_ have been cancelled.
- ☐ Claims \_\_\_\_\_ are allowed.
- ☒ Claims 1-10 are rejected.
- ☐ Claims \_\_\_\_\_ are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
- ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
- ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. These drawings are ☐ acceptable; ☐ not acceptable (see explanation).
- ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
- ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other \_\_\_\_\_

Serial No. 139576

-2-

Art Unit 125

The status of SN 805,975 should be updated on page 3, line 8 of the specification.

Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as the disclosure is enabling only for claims limited to compositions containing a specific biocompatible material encapsulating microspheres of specific gases and to the intravenous administration of said composition. Therefore the following expressions are beyond the enablement of the disclosure:

"parenterally administrate" (claim 1-8);

"gas microbubbles" (claims 1-5);

"water-insolubilized ... material" (claims 1-3);

"a heat-denaturable... protein" (claims 5, 6 and 8);

and "a heat-insolubilized...protein" (claims 5, 6 and 8).

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

These claims are indefinite in the functional expression "said imaging... 25°C". As noted on page 7 of the specification, only products prepared by the use of the foaming and aerosolating steps are shown to result in the claimed type of microsphere dispersion.

Serial No. 139576

-3-

Art Unit 125

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Henley, III whose telephone number is (703) 557-1750.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 557-3920.



HENLEY:wdh

9/8/88



ALBERT T. MEYERS  
SUPERVISORY PATENT EXAMINER  
ART UNIT 125